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TAGS: PHUM ELAB KSPR
SUBJECT: REVISED (V-3) VERSION OF HUMAN RIGHTS REPORT

1. LOU (NOFORN) - ENTIRE TEXT.
2. THIS IS AN ACTION CABLE. SEE PARAGRAPH 3.
3. BELOW IS THE REVISED HUMAN RIGHTS REPORT FOR RWANDA. EMBASSY IS REQUESTED TO REVIEW THE TEXT FOR FACTUAL OR OTHER ERRORS, BUT NOT TO RENEGOTIATE THE TEXT OR ADD NEW INFORMATION UNLESS IT IS ABSOLUTELY ESSENTIAL AND SUCCINCT. EMBASSY'S COMMENTS SHOULD BE KEYED TO THE SECTIONS AND SUBSECTIONS OF THE REPORT. REQUEST RESPONSE

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UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY:
ROBERT R. STRAND

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WITHIN 2 DAYS FROM RECEIPT OF THIS CABLE.

BEGIN TEXT

THE COALITION GOVERNMENT OF RWANDA INCLUDES 22 MINISTERS DRAWN FROM 5 POLITICAL PARTIES. NINE OF THE MINISTERS ARE FROM THE RWANDAN PATRIOTIC FRONT (RPF), A FORMER EXILE MOVEMENT THAT TOOK MILITARY CONTROL OF RWANDA IN JULY IN THE WAKE OF ETHNIC GENOCIDE AND 4 MONTHS OF RENEWED CIVIL WAR. APPROXIMATELY HALF A MILLION PEOPLE, MOST OF THEM ETHNIC TUTSI, WERE KILLED. PRESIDENT PASTEUR BIZIMUNGU OF THE MAJORITY HUTU ETHNIC GROUP AND VICE PRESIDENT PAUL KAGAME OF THE MINORITY TUTSI ETHNIC GROUP ARE BOTH MEMBERS OF THE RPF, A LARGELY TUTSI MOVEMENT. PRIME MINISTER FAUSTIN TWAGIRAMUNGU, AN ETHNIC HUTU NAMED IN THE AUGUST 1993 ARUSHA ACCORD TO HEAD A TRANSITION GOVERNMENT, IS A MEMBER OF THE REPUBLICAN DEMOCRATIC MOVEMENT (MDR) PARTY. PRIME MINISTER TWAGIRAMUNGU AND THE COUNCIL OF MINISTERS RUN THE GOVERNMENT ON A DAY-TO-DAY BASIS. VICE PRESIDENT KAGAME, WHO IS MINISTER OF DEFENSE, IS RESPONSIBLE FOR SECURITY AND MILITARY DEFENSE.

THE GOVERNMENT FACES THE TASK OF REBUILDING A COUNTRY SHATTERED BY A CYCLE OF ASSASSINATION, CIVIL WAR, GENOCIDE, AND REFUGEE OUTFLOWS OF MASSIVE PROPORTIONS. THE 1990 INVASION BY THE RPF INFLAMED THE LONG-SIMMERING ETHNIC RIVALRIES BETWEEN THE HUTU (85 PERCENT) AND TUTSI (14 PERCENT) POPULATIONS. THE ARUSHA ACCORD, SIGNED BY BOTH THE RPF AND THE FORMER GOVERNMENT HEADED BY THEN PRESIDENT JUVENAL HABYARIMANA, WAS INTENDED TO PROMOTE

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POWERSHARING, ENSURE INTEGRATION OF THE REBEL AND GOVERNMENT ARMIES, EASE ETHNIC TENSIONS, AND LEAD TO DEMOCRATIC ELECTIONS.

THIS EFFORT ENDED WITH THE CRASH UNDER SUSPICIOUS CIRCUMSTANCES OF PRESIDENT HABYARIMANA'S AIRCRAFT ON APRIL 6, WHICH ALSO TOOK THE LIFE OF BURUNDI'S PRESIDENT,

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CYPRIEN NTARYAMIRA. THE DEATH OF HABYARIMANA, WHO HAD RULED RWANDA SINCE A 1973 MILITARY COUP, UNLEASHED A TORRENT OF POLITICAL AND ETHNIC KILLINGS NATIONWIDE. HUTU EXTREMISTS FORMED A SELF-PROCLAIMED INTERIM GOVERNMENT, AND THEY AND THEIR SUPPORTERS MASSACRED HUNDREDS OF THOUSANDS OF PEOPLE, MOSTLY TUTSI CIVILIANS AND MEMBERS OF THE HUTU OPPOSITION. POLITICAL MILITIAS AFFILIATED WITH HABYARIMANA'S NATIONAL REVOLUTIONARY MOVEMENT FOR DEMOCRACY AND DEVELOPMENT (MRND) AND THE ALLIED COALITION FOR THE DEFENSE OF THE REPUBLIC (CDR) AND ELEMENTS OF THE (FORMER) RWANDAN MILITARY (FAR) CARRIED OUT THE MASSACRES.

THE RPF RESPONDED WITH A MILITARY OFFENSIVE THAT ROUTED THE HUTU ARMY IN JULY, CAUSING THE WHOLESale FLIGHT OF HUTU CIVILIANS WHO FEARED TUTSI REPRISALS. THE VIOLENCE UPROOTED TWO-THIRDS OF THE POPULATION. IN ADDITION TO THE MORE THAN 2 MILLION PERSONS WHO FLED INTO NEIGHBORING ZAIRE, TANZANIA, AND BURUNDI, AS MANY AS 2 MILLION FLED THEIR HOMES TO OTHER PARTS OF THE COUNTRY.

THE NEW GOVERNMENT CALLED FOR NATIONAL RECONCILIATION AND SOUGHT TO PROMOTE REFUGEE REPATRIATION AS A NECESSARY FIRST STEP. THE RPF LEADERSHIP STRESSED ITS COMMITMENT

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TO KEY PROVISIONS OF THE ARUSHA ACCORD, INCLUDING THE SANCTITY OF PROPERTY RIGHTS AND THE INTEGRATION OF THE FAR AND THE RWANDAN PATRIOTIC ARMY (RPA), THE RPF'S MILITARY ARM. THE GOVERNMENT PROMISED TO COOPERATE WITH THE U.N. INTERNATIONAL TRIBUNAL THAT WAS CREATED ON NOVEMBER 8 BY RESOLUTION 955 TO INVESTIGATE AND PROSECUTE THOSE RESPONSIBLE FOR GENOCIDE, WAR CRIMES, AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN RWANDA AND NEIGHBORING STATES.

THE MINISTRIES OF TERRITORIAL ADMINISTRATION AND DEFENSE OF THE NEW GOVERNMENT HAVE RESPONSIBILITY FOR SECURITY MATTERS. WITH UNITED NATIONS ASSISTANCE, THE GOVERNMENT HAS RECRUITED AND TRAINED CIVILIAN POLICE (GENDARMES) TO PROVIDE INTERNAL SECURITY. THE RPA NONETHELESS REMAINS

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THE CHIEF GUARANTOR OF INTERNAL SECURITY, INCLUDING CONTROL OVER CAMPS FOR THE INTERNALLY DISPLACED AND CENTERS FOR PROCESSING RETURNING REFUGEES, BUT BY YEAR'S END IT HAD ASSUMED A LOWER PUBLIC PROFILE.

THE ECONOMIC SITUATION IS EXTREMELY DIFFICULT. THE OVERWHELMING MAJORITY OF RWANDANS ARE SUBSISTENCE FARMERS. THEIR MASSIVE DISLOCATION CAUSED DISRUPTION OF THE CROP CYCLE AND LED TO WIDESPREAD FOOD SHORTAGES IN THIS DENSELY POPULATED COUNTRY WHERE PREWAR FOOD PRODUCTION BARELY KEPT PACE WITH POPULATION GROWTH. VIOLENT CONFLICT DAMAGED MUCH OF THE NATIONAL INFRASTRUCTURE, INCLUDING UTILITIES, SCHOOLS, AND HOSPITALS, AND KILLED OR DROVE INTO EXILE MANY EDUCATED RWANDANS. FOR THE FORESEEABLE FUTURE, THE ECONOMY WILL DEPEND HEAVILY ON FOREIGN HUMANITARIAN, ECONOMIC, AND

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TECHNICAL ASSISTANCE.

THE RENEWAL OF VIOLENCE IN APRIL SET INTO MOTION AN UNPRECEDENTED WAVE OF KILLING AND OTHER HUMAN RIGHTS ABUSES. THE SELF-PROCLAIMED INTERIM HUTU GOVERNMENT AND ITS EXTREMIST SUPPORTERS MASSACRED HUNDREDS OF THOUSANDS OF CIVILIANS AND COMMITTED INNUMERABLE RELATED HUMAN RIGHTS ABUSES, INCLUDING TORTURE, MUTILATION, AND RAPE. IN THE WAKE OF THE TUTSI-LED MILITARY VICTORY IN JULY, ADDITIONAL HUMAN RIGHTS ABUSES OCCURRED. RPA SOLDIERS AND TUTSI CIVILIANS COMMITTED RANDOM REVENGE KILLINGS AND SEIZED, OCCUPIED, OR DESTROYED PROPERTY OWNED BY (PRINCIPALLY HUTU) REFUGEES AND DISPLACED PERSONS. MANY HUTU REFUGEES AND DISPLACED PERSONS STILL FEAR REPATRIATION; HUTU EXTREMISTS IN REFUGEE CAMPS INTIMIDATE WOULD-BE RETURNEES AND DISSEMINATE ANTI-TUTSI HATE PROPAGANDA. MEMBERS OF THE FORMER SELF-PROCLAIMED INTERIM GOVERNMENT AND THE EX-FAR THREATEN TO REARM AND RENEW THE CIVIL WAR; A SMALL NUMBER OF CROSSBORDER INCURSIONS HAVE OCCURRED.

RESPECT FOR HUMAN RIGHTS

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SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS

PRESIDENT HABYARIMANA'S DEATH ON APRIL 6 PROVOKED
KILLINGS OF A MAGNITUDE UNPRECEDENTED IN RWANDAN
HISTORY. WITHIN A HALF-HOUR OF THE PLANE CRASH, AND
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BEFORE ANY PUBLIC ANNOUNCEMENT, HUTU MILITIAMEN AND
SOLDIERS HAD CONSTRUCTED ROADBLOCKS IN KIGALI AND
COMMENCED TARGETED KILLINGS. USING PREEXISTING LISTS OF
PERSONS TO BE EXECUTED, MEMBERS OF THE 700-MAN
PRESIDENTIAL GUARD AND THEIR EXTREMIST HUTU CIVILIAN
SUPPORTERS UNLEASHED A SYSTEMATIC CAMPAIGN OF MURDER,
KILLING HUTU PRIME MINISTER AGATHE UWILINGIYIMANA AND
OTHER MINISTERS, PLUS HUNDREDS OF TUTSI AND HUTU
OPPOSITION LEADERS AND THEIR FAMILIES. FOREIGNERS WERE
ALSO TARGETED AND KILLED. TROOPS FROM THE PRESIDENTIAL
GUARD EXECUTED 10 BELGIAN SOLDIERS FROM THE UNITED
NATIONS ARMED MISSION IN RWANDA (UNAMIR) PEACEKEEPING
FORCE RESPONSIBLE FOR SECURITY ASSISTANCE AND
IMPLEMENTATION OF THE ARUSHA ACCORD. THE TROOPS ALSO
KILLED TWO FRENCH GENDARMES AND THEIR WIVES.

SOME RPF SUPPORTERS ALSO COMMITTED EXTRAJUDICIAL
KILLINGS. IN JUNE, 3 RPA SOLDIERS MURDERED 13 HUTU
PRIESTS, INCLUDING THE ARCHBISHOP OF KIGALI, IN KABGAYI.
HUTU REFUGEES IN TANZANIA REPORTED THAT RPA TROOPS
SUMMARILY EXECUTED HUTU CIVILIANS FOLLOWING THE APRIL RPF
CONQUEST OF SOUTHEASTERN RWANDA. THERE WERE ALSO
SCATTERED REPORTS THAT RPA SOLDIERS SUMMARILY EXECUTED
FAR AND HUTU SUPPORTERS. DURING THE BATTLE FOR KIGALI,
THE WIDESPREAD KILLING ABATED. FOLLOWING THE RPF
MILITARY TRIUMPH IN JULY, RPF SOLDIERS AND TUTSI
CIVILIANS REPORTEDLY KILLED AN UNKNOWN NUMBER OF HUTUS.
THERE IS NO EVIDENCE THAT THE NEW GOVERNMENT CONDONED OR
SANCTIONED THESE ACTS. DURING THE CIVIL WAR, GENERAL
PAUL KAGAME--THE COMMANDER OF THE RPA AND CURRENT VICE
PRESIDENT AND MINISTER OF DEFENSE--ENFORCED TIGHT

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DISCIPLINE OVER HIS TROOPS. AFTER THE FIGHTING, HE
VISITED UNITS IN THE COUNTRYSIDE, EXHORTING THEM TO
RESPECT APPLICABLE LAWS. THE RPF EXECUTED AT LEAST 3
SOLDIERS FOUND GUILTY OF ATROCITIES AND DETAINED ABOUT
100 OTHERS.

B. DISAPPEARANCE

THERE WERE TENS OF THOUSANDS OF DISAPPEARANCES, ALMOS
T
ALL OF THEM UNDOCUMENTED. FROM APRIL THROUGH JUNE,
SOLDIERS OF THE FORMER ARMY AND MILITIA SEIZED CIVILIANS
IN CHURCHES, HOTELS, AND STADIUMS.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT

TORTURE IS CONTRARY TO THE CONSTITUTION AND ARUSHA PEACE
ACCORD, WHICH TOGETHER CONSTITUTE THE FUNDAMENTAL LAW OF
THE LAND. PERPETRATORS OF THE INITIAL SURGE OF VIOLENCE
REPORTEDLY TORTURED MANY VICTIMS BEFORE KILLING THEM.
HUTU EXTREMISTS DISPOSED OF THE CORPSES OF THOUSANDS OF
VICTIMS IN THE KAGERA RIVER; MANY WERE FOUND MUTILATED,
HEADLESS, OR WITH THEIR HANDS BOUND BEHIND THEIR BACKS.
SOME REFUGEES WHO FLED TO BURUNDI, TANZANIA, AND ZAIRE IN
THE DAYS FOLLOWING HABYARIMANA'S DEATH SUFFERED MACHETE
OR BULLET WOUNDS. FAR SOLDIERS AND MILITIAMEN FREQUENTLY
RAPED WOMEN; THERE ARE REPORTS OF RAPE BY RPF SOLDIERS AS
WELL. IN POSTWAR OPERATIONS, RPA SOLDIERS TIED THE
ELBOWS OF PRISONERS BEHIND THEIR BACKS IN A MANNER THAT
CAUSED SEVERE PAIN AND IN SOME INSTANCES PERMANENT
PHYSICAL INJURY.

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THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAS REGULAR ACCESS TO PRISONERS, AND U.N. OFFICIALS VISITED CAMPS WHERE THE GOVERNMENT SEEKS TO INTEGRATE INTO THE NEW NATIONAL ARMY FORMER FAR SOLDIERS WHO SURRENDERED IN THE WAR. LIVING CONDITIONS IN THESE CAMPS ARE GOOD.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE LAW PROVIDES LEGAL SAFEGUARDS FOR ARRESTED PERSONS, BUT IN PRACTICE THEY ARE RARELY APPLIED. IN GENERAL, THE LAW REQUIRES THAT AUTHORITIES INVESTIGATE, THEN OBTAIN A JUDICIAL WARRANT BEFORE ARRESTING A SUSPECT. ALTHOUGH POLICE MAY DETAIN PERSONS FOR UP TO 48 HOURS WITHOUT A WARRANT, FORMAL CHARGES MUST BE BROUGHT WITHIN 5 DAYS OF ARREST.

THE LAW PERMITS PREVENTIVE DETENTION ONLY IF AUTHORITIES BELIEVE PUBLIC SAFETY IS THREATENED, IF THE ACCUSED MIGHT FLEE, OR IF THE PENALTY CARRIES A MINIMUM SENTENCE OF 6 MONTHS. COURTS MAY PROLONG DETENTION INDEFINITELY, BUT JUDICIAL REVIEW IS MANDATORY EVERY 30 DAYS. DETAINEES MAY APPEAL THEIR INCARCERATION, AND A COMPETENT JUDICIAL AUTHORITY MUST HEAR THIS APPEAL WITHIN 24 HOURS. THESE PROCEDURES APPLY TO ALL PERSONS, AND FAILURE TO MEET ANY OF THESE REQUIREMENTS CONSTITUTES GROUNDS FOR RELEASE OF THE ARRESTED PERSON AND DISMISSAL OF THE CASE. THERE IS NO BAIL, BUT IN THE PAST AUTHORITIES RELEASED SUSPECTS ON THEIR OWN RECOGNIZANCE PENDING TRIAL. INCOMMUNICADO DETENTION IS NOT PRACTICED.

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SECURITY FORCES OF THE SELF-PROCLAIMED INTERIM GOVERNMENT IGNORED LAWS COVERING ARREST, DETENTION, AND TRIAL IN THE EXPLOSION OF POLITICAL AND ETHNIC VIOLENCE IN APRIL WHICH DECIMATED THE JUDICIAL SYSTEM (ONLY 40 OF 800 MAGISTRATES REMAINED IN PLACE FOLLOWING THE UPHEAVAL). THE ENSUING

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CHAOS BROUGHT ABOUT THE COLLAPSE OF THE JUSTICE SYSTEM, MAKING ENFORCEMENT OF EXISTING LAWS IMPOSSIBLE. THE PARALLEL COLLAPSE OF THE CRIMINAL INVESTIGATION SYSTEM FURTHER HAMPERED THE APPLICATION OF LAW, AND THE BREAKDOWN OF THE COURT SYSTEM CREATED A LARGE BACKLOG OF CASES THAT COURTS CANNOT TRY EXPEDITIOUSLY. IN ALL LIKELIHOOD, MANY PRISONERS WILL AWAIT TRIAL FOR VERY LONG PERIODS OF TIME. ILLEGAL DETENTIONS IN CRIMINAL CASES CONTINUE TO OCCUR.

THE NEW GOVERNMENT SUPPORTED THE WORK OF A SPECIAL INVESTIGATIONS UNIT AFTER THE CREATION BY THE UNITED NATIONS SECURITY COUNCIL OF A SPECIAL INTERNATIONAL TRIBUNAL TO HELP THE RWANDAN GOVERNMENT ADJUDICATE THE HUGE BACKLOG OF CRIMINAL CASES STEMMING FROM HUMAN RIGHTS ATROCITIES THAT BEGAN IN EARLY 1994 AND INCREASED FOLLOWING HABYARIMANA'S DEATH. AT YEAR'S END, THE INTERNATIONAL TRIBUNAL HAD NOT YET COMMENCED FULL-SCALE INVESTIGATIONS NOR SOUGHT THE DETENTION OF ANY PERSON INVOLVED IN THE MASSACRES.

DURING THE RENEWED MILITARY CONFLICT, HUTU MILITANTS DETAINED SEVERAL THOUSAND TUTSI PRISONERS IN STADIUMS IN KIGALI AND CYANGUGU WITHOUT ADEQUATE FOOD, CLEAN WATER, SANITARY FACILITIES OR SHELTER. BETWEEN THE JULY RPF DECLARATION OF A CEASE-FIRE AND THE END OF THE YEAR, THE

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NEW GOVERNMENT JAILED MORE THAN 12,000 PRISONERS SUSPECTED OF WAR CRIMES OR GENOCIDE, HOLDING 7,400 OF THEM IN THE KIGALI CENTRAL PRISON AND THE REMAINDER IN OTHER FACILITIES. JOURNALISTS WHO VISITED THESE PRISONERS REPORTED SEVERE OVERCROWDING AND HARSH, LIFE-THREATENING CONDITIONS. SOME DETAINEES WERE REPORTEDLY HELD IN MILITARY CAMPS RATHER THAN PRISON FACILITIES.

OFFICIALLY, EXILE IS NOT PRACTICED, BUT IN ACTUALITY TENS OF THOUSANDS OF TUTSIS LIVED IN DE FACTO EXILE FOR OVER 30 YEARS IN NEIGHBORING COUNTRIES DURING RULE BY A SUCCESSION OF HUTU-DOMINATED GOVERNMENTS. AS MANY AS 400,000 TO 600,000 RETURNED FOLLOWING THE RPF VICTORY.

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THE ARUSHA ACCORD INCORPORATES INTO LAW THE RIGHT OF RETURN, AND A 1991 LAW GRANTED BLANKET AMNESTY TO REFUGEES AND EXILES WHO WISHED TO REPATRIATE. CURRENTLY, THERE ARE MORE THAN 2 MILLION HUTU REFUGEES IN NEIGHBORING COUNTRIES. THE GOVERNMENT HAS PUBLICLY STATED THAT THEY ARE FREE TO RETURN AND HAS SOLICITED THEIR REPATRIATION. IN OCTOBER THE GOVERNMENT SIGNED A TRIPARTITE REPATRIATION ACCORD WITH THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) AND THE GOVERNMENT OF ZAIRE. HOWEVER, ANTI-TUTSI PROPAGANDA AND EXTREMIST HUTU INTIMIDATION IN THE REFUGEE CAMPS, AND REPRISAL ATTACKS ON HUTUS BY RPF SOLDIERS AND TUTSI CIVILIANS INSIDE RWANDA HAVE THUS FAR DETERRED LARGE-SCALE REFUGEE RETURNS, ALTHOUGH AN INCREASING NUMBER OF REFUGEES HAD BEGUN TO RETURN AT YEAR'S END UNDER THE AUSPICES OF UNHCR. THE GOVERNMENT HAS NOT OFFERED AMNESTY NOR PARDON FOR THOSE SUSPECTED OF GENOCIDE OR ATROCITIES.

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E. DENIAL OF FAIR PUBLIC TRIAL

AT YEAR'S END, THE MINISTRY OF JUSTICE HAD DRAFTED AND WAS WORKING WITH FOREIGN DONORS TO FUND AND IMPLEMENT A PLAN TO REBUILD THE JUDICIARY. HOWEVER, FEW TRIALS HAD YET TAKEN PLACE. THE PRE-APRIL JUDICIAL SYSTEM HAD SEPARATE SYSTEMS FOR CRIMINAL/CIVIL CASES AND MILITARY CASES. DECISIONS COULD BE APPEALED TO THE REGIONAL COURT OF APPEALS. AT THE REQUEST OF DEFENDANTS OR THEIR COUNSEL, THE COUR DE CASSATION REVIEWED CIVIL AND CRIMINAL CASES FOR ERRORS IN PROCEDURE OR IN THE APPLICATION OF THE LAW. ERRORS RESULTED IN RETRIAL BY ANOTHER PANEL OF JUDGES. ALTHOUGH THE CONSTITUTION PROVIDES DEFENDANTS WITH THE RIGHT TO COUNSEL, MANY WERE DENIED COUNSEL DUE TO THE SHORTAGE OF LAWYERS.

THE PRE-APRIL JUDICIAL SYSTEM WAS SUSCEPTIBLE TO GOVERNMENT MANIPULATION IN SPITE OF CONSTITUTIONAL PROVISIONS FOR AN INDEPENDENT JUDICIARY. THE LOW EDUCATIONAL LEVEL OF MOST JUDICIAL OFFICIALS, BUDGETARY CONSTRAINTS, AND THE ABSENCE OF A BODY OF CASE LAW AND

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PRECEDENT FURTHER ERODED THE FUNCTIONING OF THE JUDICIAL SYSTEM. THE OUTBREAK OF GENOCIDE AND RENEWED CIVIL WAR FOLLOWING HABYARIMANA'S DEATH LED TO THE TOTAL COLLAPSE OF THE JUDICIAL SYSTEM.

THE RPF MAINTAINED A SYSTEM OF MILITARY JUSTICE THAT OPERATED OUTSIDE THE STRUCTURES OF CONSTITUTIONAL LAW; DURING THE APRIL TO JULY MILITARY OFFENSIVE, RPF MILITARY TRIBUNALS ORDERED THE EXECUTION OF AT LEAST THREE RPA SOLDIERS FOR HUMAN RIGHTS ABUSES AGAINST CIVILIANS.

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THERE WERE NO REPORTS OF POLITICAL PRISONERS. THE GOVERNMENT HAS STATED THAT SUPPORTERS OF THE MRND AND CDR PARTIES CURRENTLY IN DETENTION WERE ARRESTED FOR CRIMINAL RATHER THAN POLITICAL OFFENSES.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION PROVIDES FOR THE RESPECT OF PRIVACY OF INDIVIDUALS, CORRESPONDENCE, AND COMMUNICATIONS AND DECLARES THAT THE HOME IS INVIOABLE. POLICE GENERALLY RESPECTED THESE PROVISIONS BEFORE THE EVENTS OF APRIL. IN THE 3-MONTH PERIOD THAT FOLLOWED, POLITICAL AND MILITARY OFFICIALS OF THE INTERIM GOVERNMENT ABANDONED ANY PRETENSE OF RESPECTING PRIVACY LAWS AND COMMITTED WHOLESAL ABUSES.

THERE ARE NO REPORTS THAT THE NEW GOVERNMENT INTERFERED WITH THESE RIGHTS, NOR DOES IT REPORTEDLY ENGAGE IN SURVEILLANCE OF POLITICAL PARTIES, ASSOCIATIONS, OR INDIVIDUALS. HOWEVER, HUTU CIVILIANS AND DISPLACED PERSONS IN THE NORTHWEST AND SOUTHWEST COMPLAINED OF ABUSES BY RPA TROOPS SEARCHING FOR WEAPONS AND SUSPECTED WAR CRIMINALS. AFTER CAPTURING KIGALI, BOTH RPA SOLDIERS AND CIVILIANS COMMITTED WIDESPREAD LOOTING AND VANDALISM.

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

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IN THE 2 WEEKS FOLLOWING THE CRASH OF THE AIRPLANE
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CARRYING PRESIDENT HABYARIMANA, KILLING SPREAD RAPIDLY
THROUGHOUT THE COUNTRY. WITHIN A WEEK, THE PRESIDENTIAL
GUARD AND MILITIA HAD KILLED AN ESTIMATED 20,000 PEOPLE
IN KIGALI AND ITS IMMEDIATE ENVIRONS. EXTREMIST HUTU
RADIO BROADCASTS CALLED FOR HUTUS TO EXTERMINATE ALL
TUTSIS, AND POLITICALLY TARGETED KILLING GAVE WAY TO
GENERAL MASSACRE OF BOTH TUTSIS AND THOSE HUTUS WHO
SUPPORTED THE POWERSHARING FORMULAS OF THE ARUSHA
ACCORD. MILITIAMEN FROM OUTLYING PROVINCES JOINED
EXTREMISTS FROM KIGALI IN URGING HUTU CIVILIANS TO
PARTICIPATE IN THE MASSACRES. HUTUS ENGAGED IN THE MASS
KILLING OF TUTSIS FROM RUHENGERI AND GISENYI IN THE NORTH
TO CYANGUGU IN THE SOUTH. AMONG THE MOST EGREGIOUS
REPORTED EVENTS WERE: INSTANCES IN WHICH THE INTERAHAMWE
MILITIA ASSEMBLED AND MASSACRED 15,000 TUTSIS IN A
STADIUM IN GATWARO, KIBUYE; THE KILLING OF 2,800 PERSONS
IN A CHURCH IN KIBUNGO; OF 6,000 TUTSIS IN A
CHURCH IN
CYAHINDE WHERE THEY HAD TAKEN REFUGE; OF 4,000 IN A
CHURCH IN KIBEHO; OF 2,000 IN A PARISH IN MIBIRIZI; OF
4,000 IN A PARISH IN SHANGI; AND 500 TUTSIS KILLED BY
INTERAHAMWE MILITIA AND GENDARMES IN A PARISH IN RUKARA.

ON APRIL 19, A SECOND WAVE OF KILLING OF TUTSIS BY HUTUS
BEGAN IN THE SOUTHERN CITY OF BUTARE FOLLOWING THE
SELF-PROCLAIMED INTERIM (POST-HABYARIMANA) GOVERNMENT'S
DISMISSAL OF THE LOCAL PREFECT WHO HAD UNTIL THEN
MAINTAINED ORDER IN HIS DISTRICT.

THE MASSACRES INCLUDED HOUSE-TO-HOUSE SWEEPS IN WHICH
HUTU MILITANTS KILLED ENTIRE FAMILIES, SUMMARILY EXECUTED
TUTSIS AT MILITARY OR MILITIA ROADBLOCKS, MURDERED

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DOCTORS AND PRIESTS IN HOSPITALS AND CHURCHES, AND
SLAUGHTERED CIVILIANS WHO HAD SOUGHT SANCTUARY IN
CHURCHES AND RELIGIOUS MISSIONS. ASSAILANTS USED GUNS,
GRENADES, MACHETES, HOES, AND CLUBS. SURVIVORS
EVENTUALLY BURIED MOST VICTIMS IN UNMARKED, MASS GRAVES,
BUT PERPETRATORS CAST THOUSANDS OF CORPSES--MANY OF THEM
SEVERELY MUTILATED--INTO THE KAGERA RIVER. THE KILLERS
OFTEN STOLE THE PROPERTY OF THEIR VICTIMS AFTER KILLING
THEM. ALTHOUGH MILITIAMEN AND SOLDIERS DID MUCH OF THE
KILLING, THERE ARE CREDIBLE REPORTS THAT LARGE NUMBERS OF
CIVILIANS ALSO COMMITTED ATROCITIES.

SOME IMPLICATED IN THE KILLINGS CHARGED THAT EXTREMISTS
THREATENED TO KILL THEM AND THEIR FAMILIES UNLESS THEY
JOINED IN ATTACKS ON TUTSI NEIGHBORS. AN UNKNOWN NUMBER
OF HUTUS WERE KILLED FOR ATTEMPTING TO PROTECT OR HARBOR
TUTSIS. SOME HUTU CIVILIANS, INCLUDING WOMEN AND
CHILDREN, REPORTEDLY ATTACKED TUTSI CIVILIANS ONLY AFTER
LOCAL GOVERNMENT AUTHORITIES ORDERED THEM TO DO SO.

BOTH FORMER GOVERNMENT AND RPF SUPPORTERS COMMITTED
NUMEROUS INDIVIDUAL ACTS OF HUMAN RIGHTS ABUSE IN
ADDITION TO THE ORGANIZED CYCLE OF GENOCIDE AND REVENGE
KILLINGS THAT SWEEPED THE COUNTRY. NONSYSTEMATIC KILLINGS
COMMITTED BY RPF SOLDIERS CONSTITUTED A SMALL FRACTION OF
THE THOSE COMMITTED BY FAR AND HUTU MILITIA. FORMER FAR
TROOPS AND THEIR CIVILIAN AUXILIARIES WERE GUILTY OF
WIDESPREAD LOOTING AND RAPE IN VIRTUALLY ALL THE MAJOR
TOWNS. ADVANCING RPF SOLDIERS VANDALIZED OR DYNAMITED
NUMEROUS BUILDINGS, INCLUDING SCHOOLS, MINISTRIES, AND
PRIVATE RESIDENCES. RETREATING FAR FORCES BOOBY-TRAPPED

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BUILDINGS. BOTH SIDES INDISCRIMINATELY DEPLOYED
THOUSANDS OF LANDMINES, KILLING MANY CIVILIANS.

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BOTH THE FORMER FAR AND THE RPA WERE GUILTY OF THE INDISCRIMINATE MORTAR AND ARTILLERY SHELLING OF ENEMY-HELD ZONES, KILLING AND WOUNDING DOZENS OF NONCOMBATANTS. FORMER FAR TROOPS ALLEGEDLY FIRED MORTAR SHELLS AND KILLED A NUMBER OF REFUGEES SHELTERED IN THE KIGALI STADIUM; RPA ROUNDS STRUCK A RELIEF HOSPITAL IN CENTRAL KIGALI, KILLING MORE THAN A DOZEN PATIENTS. ANOTHER RPA MORTAR ATTACK NEAR THE GISENYI BORDER CROSSING INTO ZAIRE CAUSED A STAMPEDE OF HUTU REFUGEES THAT KILLED DOZENS MORE, MOST OF THEM CHILDREN. THE USE OF EXCESSIVE FORCE DIMINISHED FOLLOWING THE JULY COLLAPSE OF THE FAR. HUMANITARIAN RELIEF WORKERS AND FOREIGN DIPLOMATS REPORTED THAT HUMAN RIGHTS ABUSES IN THE EAST AND SOUTHEAST HAD DECREASED BY YEAR'S END, WHEN THE RPA WAS COOPERATING WITH THE UNITED NATIONS TO DISBAND PEACEFULLY CAMPS FOR THE INTERNALLY DISPLACED. RPA TROOPS HAD STOPPED DESTROYING THE HOUSES OF HUTUS ALLEGED TO HAVE BEEN INVOLVED IN THE MASSACRES.

THE SICK AND WOUNDED WERE NOT SPARED FROM THE MASSACRES. THERE WERE NUMEROUS REPORTS OF MURDERS OF PERSONS IN AMBULANCES AND HOSPITALS. IN MANY INSTANCES, THE PROTECTIVE SYMBOL OF THE RED CROSS WAS IGNORED. THREE RED CROSS VOLUNTEERS WERE KILLED IN BUTARE ON MAY 1 ALONG WITH 21 ORPHANS UNDER THEIR CARE. ON MAY 14 ARMED MILITIAMEN SHOT TO DEATH 6 WOUNDED PATIENTS BEING TRANSPORTED BY RWANDAN RED CROSS VOLUNTEERS IN KIGALI. AN ICRC WORKER WAS WOUNDED ON MAY 18 WHEN AN ICRC CONVOY

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TRAVELING FROM KIGALI TO KABGAYI WAS ATTACKED.

RELIABLE ESTIMATES PUT THE NUMBER OF PEOPLE KILLED IN THE MASSACRES AND FIGHTING BETWEEN APRIL 6 AND JULY 15 AT APPROXIMATELY HALF A MILLION, MOST OF THEM TUTSI VICTIMS OF GENOCIDE BY HUTU EXTREMISTS. MOST LOCAL AND INTERNATIONAL ORGANIZATIONS OPERATING IN RWANDA DO NOT BELIEVE THAT EXACT FIGURES WILL EVER BE AVAILABLE. NUMEROUS CREDIBLE REPORTS FROM INDIVIDUAL ORGANIZATIONS SUCH AS THE U.N. HUMAN RIGHTS COMMISSION'S SPECIAL RAPPORTEUR, THE UNHCR, THE U.N. COMMISSION OF EXPERTS,

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THE ICRC, JOURNALISTS, AND HUMAN RIGHTS GROUPS--INCLUDING AFRICA WATCH AND AMNESTY INTERNATIONAL--
CONFIRM THE SCOPE AND THE SCALE OF THE GENOCIDE. BY RESOLUTION 955 OF NOVEMBER 8, THE U.N. SECURITY COUNCIL DECIDED TO ESTABLISH AN INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND NEIGHBORING STATES, BETWEEN JANUARY 1 AND DECEMBER 31, 1994. THE SPECIAL RAPPORTEUR NAMED BY THE THE UNHCR DID NOT FIND THE RPF GUILTY OF SYSTEMATIC KILLINGS OR GENOCIDE IN THE PUBLIC REPORT ON HIS FINDINGS.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH AND THE PRESS. PRIOR TO APRIL THE GOVERNMENT RESPECTED THIS RIGHT TO A LIMITED EXTENT. IT INTIMIDATED AND MENACED
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JOURNALISTS BUT ALLOWED THE COUNTRY'S FOUR INDEPENDENT NEWSPAPERS AND ITS POLITICAL PARTIES RELATIVE FREEDOM TO OPERATE. HOWEVER, THE WRITTEN PRESS HAD ONLY LIMITED CIRCULATION, AND ONLY RADIO REACHED A BROAD PUBLIC AUDIENCE.

THE ELECTRONIC MEDIA INCLUDED THE GOVERNMENT-OWNED TELEVISION STATION AND TWO RADIO STATIONS, GOVERNMENT-OWNED RADIO KIGALI AND THE PRIVATELY OWNED MILLE COLLINES, THE VOICE OF HUTU EXTREMISTS.

BEFORE APRIL, RADIO KIGALI OFFERED BALANCED BUT BLAND PROGRAMMING, CONTROLLED BY AN OPPOSITION MINISTER. RADIO MILLE COLLINES AND RADIO MUHUBURA, CONTROLLED BY THE RPF, CARRIED ON A PROPAGANDA WAR, THE FORMER AGAINST THE RPF AND ITS ALLIES AND THE LATTER AGAINST PRESIDENT HABYARIMANA AND SUPPORTERS OF HIS REGIME. AFTER PRESIDENT HABYARIMANA'S DEATH, RADIO MILLE COLLINES BROADCAST STRIDENT ANTI-TUTSI AND ANTI-RPF PROPAGANDA,

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WHICH ULTIMATELY HAD A LETHAL EFFECT, CALLING ON THE HUTU MAJORITY TO DESTROY THE TUTSI MINORITY. EXPERTS CITED MILLE COLLINES AS AN IMPORTANT FACTOR IN THE SPREAD OF GENOCIDE IN THE HOURS AND DAYS FOLLOWING HABYARIMANA'S DEATH.

A NOVEMBER REPORTER WITHOUT BORDERS COMMUNIQUE CLAIMED THAT 40 PERCENT OF RWANDAN JOURNALISTS PERISHED IN THE FIGHTING AND BLAMED BY NAME A NUMBER OF SURVIVING HUTU JOURNALISTS FOR INCITING THE PUBLIC TO SLAUGHTER. THE JOURNALISTS WHO DIED WERE TARGETED PRINCIPALLY FOR ETHNIC AND POLITICAL REASONS.

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FOLLOWING THE RPF VICTORY, RADIO KIGALI BECAME THE VOICE OF THE GOVERNMENT, BROADCASTING IN FRENCH AND KINYARWANDA. MUHUBURA RADIO, WHICH BROADCAST IN ENGLISH, SWAHILI, AND KINYARWANDA, WAS THE OFFICIAL VOICE OF THE RPF. A PROPOSED U.N. RADIO STATION REPORTEDLY HAD NOT RECEIVED GOVERNMENT PERMISSION TO BROADCAST BY YEAR'S END.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY, BUT AUTHORITIES REQUIRED OFFICIAL ADVANCE NOTICE FOR OUTDOOR RALLIES, DEMONSTRATIONS, AND MEETINGS. BEFORE THE RENEWAL OF CIVIL STRIFE, POLITICAL PARTIES ROUTINELY HELD RALLIES THROUGHOUT THE COUNTRY. UNAUTHORIZED ASSEMBLIES OF THE INTERAHAMWE YOUTH MILITIA ASSOCIATED WITH THE MRND IN JANUARY AND FEBRUARY SPAWNED VIOLENCE IN KIGALI AND BUTARE. GOVERNMENT MILITIAMEN KILLED SEVERAL DOZEN CIVILIANS, BLOCKED STREETS, SEARCHED CARS, BEAT PERCEIVED OPPOSITION SUPPORTERS, AND DAMAGED PROPERTY. WHEN THE HABYARIMANA GOVERNMENT DID NOT USE SECURITY FORCES TO HALT THESE ATTACKS, THE OPPOSITION TOOK THIS AS TACIT APPROVAL.

ALTHOUGH CITIZENS WERE LEGALLY FREE TO JOIN POLITICAL PARTIES UNDER THE 1990 CONSTITUTION AND THE POLITICAL PARTY LAW BANNED PARTIES BASED ON ETHNIC ORIGIN OR

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RELIGIOUS AFFILIATION, THE NEW GOVERNMENT CURTAILED THIS
FREEDOM, PROHIBITING MEMBERSHIP IN THE MRND AND CDR, THE
HUTU-DOMINATED PARTIES IMPLICATED IN THE ANTI-TUTSI
GENOCIDE. THE NEW GOVERNMENT EFFECTIVELY BANNED THESE
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PARTIES.

C. FREEDOM OF RELIGION

THE CONSTITUTIONAL PROVISION FOR FREEDOM OF RELIGION WAS
GENERALLY RESPECTED BY BOTH THE FORMER AND NEW
GOVERNMENTS. ALTHOUGH THERE WAS NO OVERT DISCRIMINATION
AGAINST FOREIGN CLERGY, MOST LEFT WHEN VIOLENCE ERUPTED.
MANY CATHOLIC AND PROTESTANT LEADERS PERISHED IN THE
VIOLENCE, WHICH ALSO DESTROYED OR DAMAGED MANY CHURCHES
AND RELIGIOUS SCHOOLS.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE FORMER GOVERNMENT ENFORCED LAWS RESTRICTING FREEDOM
OF MOVEMENT AND RESIDENCE, AND THE CURRENT REGIME HAS
CONTINUED SOME OF THESE PRACTICES. THE FORMER GOVERNMENT
REQUIRED ALL RESIDENTS TO HOLD IDENTITY CARDS, WHICH WERE
SUBJECT TO PERIODIC POLICE CHECKS. HUTU MILITIAMEN USED
THESE CARDS, WHICH DESIGNATED ETHNICITY BY PATRILINEAL
DESCENT, TO TARGET THEIR VICTIMS. BEFORE THE OUTBREAK OF
GENOCIDE, THE GOVERNMENT SYSTEMICALLY LEVIED FINES ON
PROPERTY OWNERS WHO DID NOT REQUIRE TENANTS TO SHOW
DOCUMENTATION, AND EVICTED TENANTS WHO COULD NOT SUPPLY
THE REQUIRED DOCUMENTATION. NIGHTLY CURFEWS LIFTED
FOLLOWING THE SIGNATURE OF THE 1993 PEACE ACCORD
WERE

REIMPOSED WITH THE OUTBREAK OF RENEWED CIVIL WAR.
MILITARY AND MILITIA CHECKPOINTS PROLIFERATED THROUGHOUT
THE COUNTRY DURING THE FIGHTING IN BOTH GOVERNMENT AND
RPF-CONTROLLED TERRITORY. THE NEW GOVERNMENT LIFTED THE
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NIGHTLY CURFEW BY YEAR'S END, AND ONLY A FEW RPF
CHECKPOINTS--MOST IN BORDER REGIONS--REMAINED IN PLACE AT
YEAR'S END.

EMIGRATION IS NOT RESTRICTED, AND THE GOVERNMENT NORMALLY
APPROVES PASSPORTS FOR CITIZENS WHO SEEK THEM.

THE PEACE ACCORD PROTOCOL ON REFUGEES INCORPORATED INTO
LAW THE RIGHT OF REFUGEES TO RETURN, AND THE NEW
GOVERNMENT HAS ANNOUNCED ITS COMMITMENT TO THIS
PRINCIPLE. FOLLOWING THE RPF MILITARY VICTORY, SEVERAL
HUNDRED THOUSAND REFUGEES RETURNED FROM NEIGHBORING
COUNTRIES, ESPECIALLY BURUNDI AND UGANDA. ALMOST ALL
WERE ETHNIC TUTSIS, WHO HAD FLED PRIOR PERIODS OF
ANTI-TUTSI VIOLENCE IN 1959, 1962 AND 1973, AND THEIR
DESCENDANTS.

THE RETURN OF TUTSI REFUGEES WAS MORE THAN MATCHED BY THE
FLIGHT OF APPROXIMATELY 2 MILLION HUTUS WHO SOUGHT SAFETY
IN U.N. REFUGEE CAMPS LOCATED ALONG RWANDA'S BORDERS WITH
ZAIRE, BURUNDI, AND TANZANIA. THIS INCLUDES MANY FORMER
ARMY PERSONNEL AND CIVILIAN MILITIAMEN WHO HAD ENGAGED IN
THE APRIL TO JULY ANTI-TUTSI GENOCIDE. HOWEVER, MANY
HUTU CIVILIANS REMAINED IN THE CAMPS FROM FEAR OF TUTSI
REPRISALS.

LIVING CONDITIONS IN THE REFUGEE CAMPS SPAWNED EPIDEMICS,
VIOLENCE, AND FRICTION WITH LOCAL POPULATIONS. THE CAMPS
ARE NOT VIABLE FOR THE LONG TERM. HOWEVER, ANTI-TUTSI
PROPAGANDA AND PHYSICAL INTIMIDATION BY EXTREMIST HUTUS
HAVE THWARTED EFFORTS TO CONVINCE THE REFUGEES TO RETURN

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TO RWANDA. RUMORS AND REPORTS OF REVENGE KILLINGS OF

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HUTUS BY RPF SOLDIERS AND TUTSI CIVILIANS ALSO CONTRIBUTED TO THE RELUCTANCE OF MANY REFUGEES TO RETURN. A FURTHER COMPLICATING FACTOR WAS THE SEIZURE BY RETURNING TUTSIS OF LAND, HOMES AND PROPERTY BELONGING TO HUTUS, EITHER THOSE DISPLACED OR REFUGEES ABROAD. THE NEW GOVERNMENT HAS NOT YET FOLLOWED THROUGH ON ITS PLEDGE TO EVICT SQUATTERS AND DISALLOW PROPERTY CLAIMS MADE BY RETURNING REFUGEES IF THE CLAIMS ARE MORE THAN 10 YEARS OLD. A COMMISSION ORGANIZED WITHIN THE MINISTRY OF THE INTERIOR BEGAN COMPILING LEGAL DOSSIERS ON ALL PROPERTY CLAIMS, BUT SQUATTERS REMAINED IN MANY HOUSES AT YEAR'S END, AND THE SETTLEMENT OF PROPERTY CLAIMS APPEARS TO BE A LONG-TERM PROCESS.

THE RPA FORCIBLY DISBANDED THE MUSENGE DISPLACED PERSONS CAMP IN NORTHERN GIKONGORO ON NOVEMBER 10, RESULTING IN 7 DEATHS, SEVERAL INJURIES, AND THE REMOVAL OF 20,000 INTERNALLY DISPLACE PERSONS TO NEIGHBORING CAMPS. THIS INCIDENT AFFIRMED THE GOVERNMENT'S DETERMINATION TO CLOSE THE CAMPS AND FORCE THE INTERNALLY DISPLACED TO RETURN HOME. ON NOVEMBER 11, RPA FORCES CAME UNDER THREAT FROM A LOCAL INTERNALLY DISPLACED POPULATION IN MUSBEYA; IN THE ENSUING DISTURBANCE, RPA TROOPS KILLED SEVEN PERSONS AND WOUNDED SEVERAL OTHERS. IN NOVEMBER THE GOVERNMENT NEGOTIATED AN AGREEMENT WITH UNAMIR AND VARIOUS HUMANITARIAN ORGANIZATIONS TO PERMIT THE LATTER TO ORGANIZE THE NONFORCED RETURN OF DISPLACED PERSONS FROM CAMPS TO THEIR HOME COMMUNES. AT YEAR'S END, THIS INITIATIVE WAS PROCEEDING SMOOTHLY, ACCORDING TO SENIOR U.N. OFFICIALS INVOLVED.

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SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
CITIZENS TO CHANGE THEIR GOVERNMENT

CITIZENS DID NOT HAVE THE ABILITY TO CHANGE THEIR GOVERNMENT THROUGH DEMOCRATIC MEANS. THE 1992 POWERSHARING AGREEMENT CRAFTED IN THE ARUSHA NEGOTIATIONS AND RATIFIED BY THE 1993 PEACE ACCORD WAS NEVER IMPLEMENTED PRIOR TO HABYARIMANA'S DEATH IN APRIL. THE

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RPF BROUGHT REPRESENTATIVES OF FOUR OTHER OPPOSITION PARTIES INTO THE GOVERNMENT FORMED AFTER THE RPF MILITARY VICTORY, BUT NONE OF THESE OFFICIALS WERE ELECTED. A MULTIPARTY NATIONAL ASSEMBLY WAS INSTALLED ON NOVEMBER 15, WITH 64 DEPUTIES SELECTED FROM 8 POLITICAL PARTIES. IN ADDITION, THE RPA RECEIVED SIX SEATS IN THE ASSEMBLY.

ALTHOUGH THERE ARE NO LEGAL RESTRICTIONS ON THE PARTICIPATION OF WOMEN IN POLITICAL LIFE, WOMEN REMAIN POORLY REPRESENTED IN POLITICS AND GOVERNMENT. TWO MINISTERS AND SEVERAL SUBCABINET OFFICIALS, AND THE PREFECT (MAYOR) OF KIGALI ARE WOMEN. THE BATWA PYGMOID ETHNIC GROUP, WHICH REPRESENTED ABOUT 1 PERCENT OF THE PRE-APRIL POPULATION, WAS NOT REPRESENTED IN KEY POSITIONS IN EITHER THE FORMER OR THE NEW GOVERNMENT, NOR IN ANY OF THE ACTIVE POLITICAL PARTIES.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NINE HUMAN RIGHTS ORGANIZATIONS WERE ACTIVE BEFORE THE
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NATIONWIDE OUTBREAK OF POLITICAL AND ETHNIC VIOLENCE, WHEN HUTU EXTREMISTS TARGETED AND DECIMATED THE LEADERSHIP OF THESE GROUPS. SOME HAD REORGANIZED BY YEAR'S END UNDER THE AUSPICES OF THE UMBRELLA GROUP, THE COLLECTIVE RWANDAN LEAGUES AND ASSOCIATIONS FOR THE DEFENSE OF HUMAN RIGHTS (CLADHO). THE GOVERNMENT HAS NOT ESTABLISHED A HUMAN RIGHTS COMMISSION WITH INVESTIGATIVE AUTHORITY PRESCRIBED IN THE PEACE ACCORD PROTOCOL BUT HAD CREATED A DEPARTMENT WITHIN THE MINISTRY OF JUSTICE TO HANDLE HUMAN RIGHTS ISSUES.

BEFORE THE APRIL VIOLENCE, THE GOVERNMENT GENERALLY PERMITTED HUMAN RIGHTS ORGANIZATIONS TO OPERATE UNHINDERED. HOWEVER, HUTU EXTREMISTS HARASSED SOME PROMINENT HUMAN RIGHTS MONITORS; ONE WAS THE VICTIM OF A GRENADE ATTACK. THE GOVERNMENT ARRESTED JEAN PAUL BURANDU, THE EXECUTIVE SECRETARY OF CLADHO ON NOVEMBER 5

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IN BUGARAME, OSTENSIBLY FOR IMPROPER REGISTRATION OF HIS CAR. BURANDU CHARGED THAT THIS WAS A PRETEXT AND THAT HIS DETENTION WAS LINKED TO PRISON VISITS IN THE AREA. AT YEAR'S END BURANDU HAD BEEN RELEASED.

THE NEW GOVERNMENT HAS ALLOWED NATIONAL HUMAN RIGHTS GROUPS THAT REORGANIZED FOLLOWING THE RPF VICTORY TO OPERATE FREELY. THE NEW GOVERNMENT ALSO COOPERATED WITH INTERNATIONAL HUMAN RIGHTS GROUPS, INCLUDING THE COMMISSION OF EXPERTS OF THE U.N. HUMAN RIGHTS COMMISSION AND VARIOUS OTHER NONGOVERNMENTAL ORGANIZATIONS SUCH AS AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH AFRICA. THE GOVERNMENT HAS PUBLICLY WELCOMED THE PRESENCE OF U.N. HUMAN RIGHTS MONITORS THROUGHOUT THE COUNTRY AS A
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CONFIDENCE-BUILDING MEASURE, ALTHOUGH THE FULL COMPLEMENT OF HUMAN RIGHTS MONITORS ENVISAGED HAD NOT YET BEEN PUT IN PLACE AT YEAR'S END. THE ICRC HAS UNRESTRICTED ACCESS TO MOST PRISONS.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE CONSTITUTION PROVIDES THAT ALL CITIZENS ARE EQUAL BEFORE THE LAW, WITHOUT DISCRIMINATION ON THE BASIS OF RACE, COLOR, ORIGIN, ETHNICITY, CLAN, SEX, OPINION, RELIGION, OR SOCIAL STANDING. IN PRACTICE, HOWEVER, DISCRIMINATION HAS BEEN WIDESPREAD AND SYSTEMATIC.

WOMEN

DESPITE CONSTITUTIONAL PROVISIONS, WOMEN CONTINUE TO FACE SERIOUS DE FACTO DISCRIMINATION. WOMEN TRADITIONALLY PERFORM MOST OF THE SUBSISTENCE FARMING AND PLAY A LIMITED ROLE IN THE MODERN SECTOR. THEY HAVE ONLY LIMITED OPPORTUNITIES FOR EDUCATION, EMPLOYMENT, AND PROMOTION. IN SUPPORT OF WOMEN'S RIGHTS, PRESIDENT HABYARIMANA ENCOURAGED FAMILY PLANNING, AND A NEW FAMILY CODE WENT INTO EFFECT IN 1992. THE CODE GENERALLY IMPROVES THE LEGAL POSITION OF WOMEN IN MARRIAGE,

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DIVORCE, AND CHILD CUSTODY BUT STILL DOES NOT MEET RWANDA'S INTERNATIONAL AND CONSTITUTIONAL COMMITMENTS TO GENDER EQUALITY. FOR EXAMPLE, IT FORMALLY DESIGNATES MEN AS HEADS OF HOUSEHOLDS. ALSO, THE ABSENCE OF SUCCESSION LAWS LIMITS A WOMAN'S RIGHT TO PROPERTY, THUS JEOPARDIZING HER STATUS AND ABILITY TO PROVIDE FOR HER

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FAMILY, SHOULD SHE SURVIVE HER HUSBAND.

VIOLENCE AGAINST WOMEN, INCLUDING WIFE BEATING, OCCURS AND IS REPORTEDLY WIDESPREAD. WIFE BEATING AND DOMESTIC VIOLENCE ARE NORMALLY HANDLED WITHIN THE CONTEXT THE EXTENDED FAMILY AND RARELY COME BEFORE THE COURTS.

BOTH COMBATANT FORCES, BUT ESPECIALLY THE FORMER FAR AND SUPPORTING MILITIAS, ENGAGED IN RAPE ON A MASSIVE SCALE FROM APRIL THROUGH JULY. THEY TARGETED WOMEN, ESPECIALLY TUTSI WOMEN, FOR INDISCRIMINATE VIOLENCE.

CHILDREN

TENS OF THOUSANDS OF CHILDREN WERE MURDERED, AND AN UNKNOWN NUMBER WERE ORPHANED IN THE GENOCIDE AND NATIONAL UPHEAVAL. THE ICRC ESTIMATES THAT 50,000 CHILDREN WERE SEPARATED FROM THEIR PARENTS AND REMAIN IN THE CARE OF STRANGERS OR INTERNATIONAL ORGANIZATIONS. RELIEF WORKERS REPORT THAT LARGE NUMBERS OF CHILDREN WERE PERMANENTLY TRAUMATIZED BY THE HORRORS THEY EXPERIENCED.

THE NEW GOVERNMENT CANNOT PROVIDE FUNDS FOR CHILDREN'S WELFARE; IT DEPENDS ON INTERNATIONAL AID GROUPS FOR THE FEEDING AND MEDICAL CARE OF DISPLACED AND ORPHANED CHILDREN. NEITHER CAN THE GOVERNMENT AFFORD TO PAY FOR THE EDUCATION OF ORPHANS, ALTHOUGH IT IS REQUIRED BY LAW. THE LAW PROHIBITS CHILDREN'S IMPRISONMENT WITH ADULTS, BUT AN UNKNOWN NUMBER ACCUSED OF PARTICIPATING IN THE GENOCIDE ARE REPORTEDLY HELD WITH ADULTS IN KIGALI'S CENTRAL PRISON.

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INDIGENOUS PEOPLE

LESS THAN 1 PERCENT OF THE POPULATION COMES FROM THE BATWA ETHNIC GROUP. THESE INDIGENOUS PEOPLE, SURVIVORS OF THE PYGMY TRIBES OF THE MOUNTAINOUS FOREST AREAS BORDERING ZAIRE, EXIST ON THE MARGINS OF SOCIETY AND CONTINUE TO BE TREATED AS SECOND-CLASS CITIZENS BY BOTH HUTUS AND TUTSIS. THE BATWA HAVE NOT BEEN ABLE TO PROTECT THEIR INTERESTS, WHICH CENTER ON ACCESS TO LAND AND HOUSING. FEW BATWA HAVE GAINED ACCESS TO THE EDUCATIONAL SYSTEM, RESULTING IN MINIMAL REPRESENTATION IN GOVERNMENT INSTITUTIONS.

THERE IS NO RELIABLE INFORMATION ON SPECIFIC HUMAN RIGHTS ABUSES PERPETUATED AGAINST THE BATWA POPULATION DURING THE APRIL UPHEAVAL. A GROUP OF SEVERAL HUNDRED RWANDAN BATWA REFUGEES WERE DISCOVERED LIVING IN A FORESTED AREA OUTSIDE OF GOMA, ZAIRE, DEEPLY TRAUMATIZED BY THE EVENTS THEY HAD WITNESSED. THEY DID NOT CLARIFY, HOWEVER, THAT THEY OR OTHER BATWA HAD BEEN CAUGHT UP ON EITHER SIDE OF THE MASSACRES.

NATIONAL/RACIAL/ETHNIC MINORITIES

THE MASS KILLINGS DISTORTED THE ETHNIC BALANCE, AS HAVE SUBSEQUENT WAVES OF TUTSI IMMIGRATION AND HUTU FLIGHT. BEFORE APRIL AN ESTIMATED 85 PERCENT OF RWANDANS WERE HUTU, 14 PERCENT TUTSI, AND 1 PERCENT BATWA. UNTIL STABILITY RETURNS AND AN ACCURATE CENSUS TAKEN, THE PRECISE ETHNIC COMPOSITION OF THE POPULATION WILL BE

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UNKNOWN.

THE NEW GOVERNMENT HAS CALLED FOR ETHNIC RECONCILIATION AND COMMITTED ITSELF TO ABOLISHING POLICIES OF THE FORMER GOVERNMENT THAT HAD CREATED AND DEEPENED ETHNIC CLEAVAGES. IT PROMISED TO ELIMINATE REFERENCES TO ETHNIC ORIGIN FROM THE NATIONAL IDENTITY CARD, A PROVISION OF THE 1993 PEACE ACCORD. THE GOVERNMENT HAS NOT STATUTORILY ADDRESSED THE ISSUE OF ETHNIC QUOTAS IN EDUCATION, TRAINING, AND GOVERNMENT EMPLOYMENT. IT HAS PARTIALLY INTEGRATED MORE THAN 2,000 FORMER GOVERNMENT SOLDIERS INTO RPF FORCES, ALTHOUGH NOT BY THE FORMULA PRESCRIBED BY THE 1993 ARUSHA ACCORD. TUTSI CLERGY AND BUSINESSMEN, WHO WERE WELL REPRESENTED IN THESE SECTORS OF SOCIETY, WERE KILLED IN GREAT NUMBERS IN THE GENOCIDE. FOLLOWING THE RPF VICTORY, TUTSIS RETURNING FROM EXILE TOOK OVER MANY OF THE BUSINESS AND PROFESSIONAL POSITIONS FORMERLY HELD BY RWANDAN HUTUS AND TUTSIS.

PEOPLE WITH DISABILITIES

ALTHOUGH THERE ARE NO LAWS RESTRICTING PEOPLE WITH DISABILITIES FROM EMPLOYMENT, EDUCATION, OR OTHER STATE SERVICES, IN PRACTICE FEW HANDICAPPED PERSON HAVE ACCESS TO EDUCATION OR EMPLOYMENT. THERE ARE NO LAWS OR PROVISIONS THAT MANDATE ACCESS OF THE DISABLED TO PUBLIC FACILITIES. THE NUMBER OF DISABLED PERSONS INCREASED EXPONENTIALLY AMONG BOTH CIVILIANS AND MILITARY PERSONNEL, DUE TO INJURIES FROM BOMBS, LAND MINES, GRENADES, ACCIDENTS INVOLVING UNEXPLODED ORDNANCE, AND

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MAIMING BY MOB AND MILITIA ACTION.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

ALTHOUGH GOVERNMENT OFFICIALS ASSURED LABOR LEADERS IN

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OCTOBER THAT THE GOVERNMENT WOULD RESPECT EXISTING LABOR LEGISLATION, IN PRACTICE RWANDA DOES NOT CURRENTLY HAVE A FUNCTIONING LABOR MOVEMENT. TECHNICALLY, HOWEVER, THE COUNTRY'S LABOR LAWS REMAIN IN EFFECT, AND THE FOLLOWING DESCRIBES THE SITUATION PRIOR TO APRIL.

THE 1991 CONSTITUTION PROVIDES FOR THE RIGHT TO CREATE PROFESSIONAL ASSOCIATIONS AND LABOR UNIONS. UNION MEMBERSHIP IS VOLUNTARY AND OPEN TO ALL SALARIED WORKERS, INCLUDING PUBLIC SECTOR EMPLOYEES. THERE ARE NO RESTRICTIONS ON THE RIGHT OF ASSOCIATION, BUT ALL UNIONS MUST REGISTER WITH THE MINISTRY OF JUSTICE FOR OFFICIAL RECOGNITION. THERE ARE NO KNOWN CASES IN WHICH THE GOVERNMENT HAS DENIED SUCH RECOGNITION. UNIONS ARE PROHIBITED BY LAW FROM HAVING POLITICAL AFFILIATIONS, BUT IN PRACTICE THIS IS NOT ALWAYS RESPECTED.

ORGANIZED LABOR REPRESENTS ONLY A SMALL PART OF THE WORK FORCE. OVER 90 PERCENT ARE ENGAGED IN SMALL-SCALE SUBSISTENCE FARMING. ABOUT 7 PERCENT WORK IN THE MODERN (WAGE) SECTOR, INCLUDING BOTH PUBLIC AND PRIVATE INDUSTRIAL PRODUCTION, AND ABOUT 75 PERCENT OF THOSE ACTIVE IN THE MODERN SECTOR ARE MEMBERS OF LABOR UNIONS.

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BEFORE 1991 THE CENTRAL UNION OF RWANDAN WORKERS (CESTRAR) WAS THE ONLY AUTHORIZED TRADE UNION ORGANIZATION IN THE COUNTRY. WITH THE POLITICAL REFORMS INTRODUCED BY THE 1991 CONSTITUTION, CESTRAR OFFICIALLY BECAME INDEPENDENT OF THE GOVERNMENT AND THE MRND BUT STILL HAD CLOSE INFORMAL TIES THAT PARTY.

THE CONSTITUTION PROVIDES THE RIGHT TO STRIKE, EXCEPT FOR PUBLIC SERVICE WORKERS. A UNION'S EXECUTIVE COMMITTEE MUST APPROVE A STRIKE, AND UNIONS MUST FIRST TRY TO RESOLVE THEIR DIFFERENCES WITH MANAGEMENT ACCORDING TO STEPS PRESCRIBED BY THE MINISTRY OF LABOR AND SOCIAL AFFAIRS. THE GOVERNMENT NEVER ENFORCED LAWS PROHIBITING RETRIBUTION AGAINST STRIKERS.

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LABOR ORGANIZATIONS MAY AFFILIATE WITH INTERNATIONAL LABOR BODIES. CESTRAR IS AFFILIATED WITH THE ORGANIZATION OF AFRICAN TRADE UNION UNITY AND THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE CONSTITUTION PROVIDES FOR COLLECTIVE BARGAINING, ALTHOUGH ONLY CESTRAR HAD AN ESTABLISHED COLLECTIVE BARGAINING AGREEMENT WITH THE GOVERNMENT. IN PRACTICE, SINCE MOST WORKERS ARE IN THE PUBLIC SECTOR, THE GOVERNMENT IS INTIMATELY INVOLVED IN THE PROCESS (SEE SECTION 6.E.).

THE LAW PROHIBITS ANTIUNION DISCRIMINATION, AND IT HAS NOT OCCURRED IN PRACTICE. THERE ARE NO FORMAL MECHANISMS

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TO RESOLVE COMPLAINTS INVOLVING DISCRIMINATION AGAINST UNIONS.

THERE ARE NO EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS FORCED LABOR, AND THERE ARE NO REPORTS THAT IT OCCURS IN PRACTICE.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

EXCEPT IN SUBSISTENCE AGRICULTURE, THE LAW PROHIBITS CHILDREN UNDER 18 FROM WORKING WITHOUT THEIR PARENTS' OR GUARDIANS' AUTHORIZATION, AND THEY GENERALLY MAY NOT WORK AT NIGHT. THE MINIMUM AGE FOR FULL EMPLOYMENT IS 18 YEARS, AND FOR APPRENTICESHIPS 14, PROVIDING THE CHILD HAS COMPLETED PRIMARY SCHOOL. THE MINISTRY OF LABOR HAS NOT ENFORCED CHILD LABOR LAWS EFFECTIVELY.

E. ACCEPTABLE CONDITIONS OF WORK

THE MINISTRY OF LABOR SETS MINIMUM WAGES IN THE SMALL

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MODERN SECTOR. THE MINIMUM WAGE IS 1.08 (150 RWANDAN FRANCS) FOR AN 8-HOUR WORKDAY. THE GOVERNMENT, THE MAIN EMPLOYER, EFFECTIVELY SETS MOST OTHER WAGE RATES AS WELL. THE MINIMUM WAGE WAS INADEQUATE TO PROVIDE A DECENT STANDARD OF LIVING FOR URBAN FAMILIES; OFTEN, FAMILIES SUPPLEMENT THEIR INCOMES BY WORK IN SMALL BUSINESS OR SUBSISTENCE AGRICULTURE. IN PRACTICE, THE MINIMUM WAGE RATE IS SELF-ENFORCING SINCE WORKERS WILL

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NOT WORK FOR LESS.

OFFICIALLY, GOVERNMENT OFFICES HAVE A 40-HOUR WORKWEEK. NEGOTIATIONS IN 1993 BETWEEN THE UNIONS, GOVERNMENT, AND MANAGEMENT WERE HELD TO REDUCE THE WORKWEEK FROM 45 TO 40 HOURS IN THE PRIVATE SECTOR AS WELL, BUT BY THE END OF 1994 NO SUCH REDUCTION HAD OCCURRED. HOURS OF WORK AND OCCUPATIONAL HEALTH AND SAFETY STANDARDS IN THE MODERN WAGE SECTOR ARE CONTROLLED BY LAW, BUT LABOR INSPECTORS FROM THE MINISTRY OF LABOR ENFORCE THEM ONLY LOOSELY. WORKERS DO NOT HAVE THE RIGHT TO REMOVE THEMSELVES FROM DANGEROUS WORK SITUATIONS.

CHRISTOPHER